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AESTRACT

The intent of this position paper is to identify and describe the specific conditions causing problems to the effective delivery of Health, Education, and Welfare (HEW) services to American Indians, both reservation and non-reservation, and to suggest actions that might be taken to alleviate or remove these conditions. A concern of the Indian is that most Federal employees have misconceptions about Indians that often result in well-motivated but poorly conceived programs. Facts refuting some of the more commonly held misconceptions are listed and discussed. They are (1) that Indians are not all alike; (2) that not all Indians live on reservations; (3) that Indians are different from other ethnic minorities; (4) that the Indian is caught in a cultural crisis; (5) that there is no such thing as Indian education; and (6) that there are Indian cultural similarities. "Real Indian Education" and "Variations on the Theme of Responsibility" are additional topics of discussion. It is concluded that any attempt at increasing the services of HEW to the Native American must be federal, consistent in every state, adequately funded, and Indian conceived and controlled. Also, it is imperative that this design allow an Indian child to remain Indian and still be biculturally educated for the economic and social existence that he determines. Both reservation and non-reservation Indians must be accommodated by this design. (HBC)

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HEW and State Responsibilities to Indian Education

POSITION PAPER

FOR

NATIVE AMERICAN TEACHER CORPS CONFERENCE
Denver, Colorado
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THE ASSIGNMENT:

A. Identify and describe the specific conditions causing problems to the effective delivery of HEW services to Indians, both reservation and non-reservation.

B. Suggest actions that might be taken to alleviate or remove these conditions.

The charge of identifying specific conditions causing problems to the effective delivery of HEW services to Indians in the field of education is indeed a large assignment. The range of conditions having causal effect covers the full spectrum of the socio-economic field with the added complication of the federal government's historical inability to develop relevant Indian education programs.

Many of the problems are also statements of the human dilemma that take on dimensions far beyond the purpose of the assignment.

It is the intention of this position paper to address those problems that are perceived by Indians, and when surfaced, have a reasonable chance at solution.

SOCIOLOGICAL

The purpose in reviewing a group's origin or past history is to find explanation of its present attitudes and conditionings, to secure perspective on its adaptation to change, and to understand its present-day goals. "The Past is Prologue."

The Indians believe that most federal employees have serious misconceptions about Indians that often result in well motivated but poorly conceived programs. An understanding of the following facts would be a beginning at eradication of some common fallacies:

A. Indians are not all alike.

A great many Indian people dislike the word "Indian;" they prefer a tribal categorization. The Sioux are not like the Utes; the Crow are not like the Navajo, etc. Tribal distinctness is very strong within the Native American people.

The languages of the various Indian tribes differ as much as, say, Swedish does from French or English does from German.

B. Not all Indians live on reservations.

Well over 50% of the Native Americans do not live on reservations. This demographic situation complicates any possible solution. The categorizing of these two groups also creates considerable devisiveness within the Indian communities. The term "Urban Indians" is a white man's term and one that concerned, well educated Indians do not like. It is offensive enough to refer to a Northern Cheyenne as an Indian without adding to the culture emasculation by prefacing it with Urban.

C. Indians are different than other ethnic minorities.

To simplify this concept, most ethnic groups in America, including Blacks and the Chicanos, by and large want assimilation and justice within the general culture. The Indian wants to remain "Indian" and is not generally concerned with assimilation. Another significant difference is that Indians do not form political blocs as other minorities do. Their present real concern is with self-determination.

D. Culture in Crisis.

The jargon of the anthropologist, "Culture in Crisis," applies definitely to the Indians. They are caught in the dilemma of identifying primarily with a specific tribe that has a distinct traditional culture.

At the same time, there is a psychological need for identification with the new Indian, a pan-Indianism. On the surface, this may not seem traumatic. To the traditional Indian, it is as frightening as acculturation into the dominant white culture may be for many.

E. <u>There is no such thing as Indian education</u>.

One of the near impossible adjustments that Indians are asked to do (and then criticized or ridiculed because they somehow have failed) is to resolve a two-culture conflict by themselves at the age of puberty. As long as Indian parents cherish and preserve their cultures, they educate their children successfully in an informal way through association with parents, other family, old people in the tribe,and through games and words. A Hopi Chief, as reported by Robert J. Havighurst, said of his childhood:

"Learning to work was like play. We children tagged around with our elders and copied what they did. We followed our fathers to the fields and helped to plant and weed. The old men took us for walks and taught

us the uses of plants and how to collect them. We joined the women in gathering rabbitweed for baskets, and went with them to dig clay for pots. We would taste this clay as the women did to test it. We watched the fields to drive out the birds and rodents, helped pick peaches to dry in the sun, and gathered melons to lug up the mesa. We rode the burros to harvest corn, gather fuel, or herd sheep. In house-building, we helped a little by bringing dirt to cover the roofs. In this way we grew up doing things. All the old people said that it was a disgrace to be idle and that a lazy boy should be whipped."

The conflict comes when formal education begins. Every society has its own way of molding its children into adult participants within its own culture. Education is always a process of teaching a culture. The formal education for the Indians, designed by the whites, has been a process whose goal was teaching the white culture.

F. There are Indian cultural similarities.

These commonalities of culture are paramount in priority for HEW to understand. It is equally important for designers of Indian education programs to be cognizant of the differences of behavior that result from a cultural value system. In comparing patterns of behavior between Indian culture and non-Indian culture, one should recognize that the differences are relative and not absolute. Some of these differences are as follows:

Tribal or Traditional Cultural Values	Urban-Industrial Cultural Values
group or clan emphasis	individual emphasis
present oriented	future oriented
time, non-awareness	time, awareness
age	youth
cooperative, service and concern for the group	competition, concern and acquisition for self
harmony with nature	conquest of nature
giving	saving
pragmatic	theoretical
patience	impatience
mystical	skeptical

(continued)

Tribal or Traditional Cultural Values	Urban-Industrial Cultural Values
shame	guilt
permissiveness	social coercion
extended family and clan	immediate family
non-materialistic	materialistic
non-agressive	agressive
modest	overstates and over-confident
silence	noise
respect others' religion	convert others to religion
religion--a way of life	religion--a segment of life
land, water, and forest belong to all	land, etc.--a private domain
beneficial and reasonable use of resources	avarice and greedy use of resources
equality	wealth
face-to-face government	representative democracy
compact living--close contact indoors high-space utilization	space living--privacy--use of roominess
low self-value	strong self-importance[1]

[1]Adapted from the list of Indian values and non-Indian values as given by L. Mayland Parker in "Observations Concerning and Causes of Poverty Among Reservation Indian People." (Unpublished article prepared for Indian Community Action Project, Arizona State University, Tempe, Arizona--undated). Page 3.

The essence of presenting at the outset an analysis of some of the obvious sociological problems and frustrations that impinge upon effective Indian education stems from this writer's concern that it does little good to discuss logistical or jurisdictional improvement unless the basic philosophic questions are raised. The problem is biculturalism, and the federal government and the Indians themselves do not really understand the problem, much less the solution. The unique stance of the Indian refusing to be assimilated creates a serious maladjustment that necessitates an empathy at the very least and places the basic educational problem into a forced new perspective.

William Kelly's comments described the problem accurately when he said:

> "To become bilingual is no great task. Neither is it difficult to be bicultural when the two cultures trace to a common source, such as the Judeo-Christian tradition. The difficult task is to live simultaneously with parts and pieces of two entirely different sets of cognitive orientations and values. For example, you learn in one culture that man and nature are one and that man must learn to live with nature.

> In the next culture you learn that man and nature are worlds apart and that man must dominate nature. In one culture you learn that the supernatural is both good and evil and that the supernatural gives and withdraws health, crops, and fertility. In the next culture you learn that germs cause disease, hybrid corn seed determines the amount of a crop, and that a little pill controls fertility. I could go on without end. But it does not end for the Indian. The problem of reconciliation goes on every day and every hour, and even the most sophisticated Indian is forever battling for cognitive control and for a sense of unity in the universe, and especially in the universe of social relations which you and I take for granted and to which we never give a thought. The result is confusion, bewilderment, discouragement, and anger. The Indian, in fact, being unaware of the causes of his difficulty, escapes the pressure through idleness, erratic work habits, alcoholism, and apathy.[2]

One could add that the first manifestation of the maladjustment syndrome often is evidenced the day the Indian child appears in the American classroom.

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[2]William Kelly, "Social and Cultural Considerations in the Development of Manpower for Indians." Paper delivered at the National Conference on Manpower for Indians, Kansas City, Missouri, February 16, 1967.

THE INDIAN CATCH 22

The history of formal education for the Native American has been directed primarily by three major groups: the federal government (Bureau of Indian Affairs), the Christian missions, and the public education of the states.

The mission schools today account for only a small percentage of Indian education compared to the 19th century. The financial hardships that have closed non-public schools throughout the United States have taken their toll on the Indian reservations.

Since 1968 the Bureau of Indian Affairs has developed a policy encouraging public school enrollment of Indian children. In 1968 the BIA served over 152,000 Indian children, approximately two of every three in the age group of six to seventeen. The trend, however, is definitely toward the education of Indians to be in the hands of the local educational agencies and the states. This evolutionary phenomenon was started long before the present Administration conceived of Revenue Sharing. Special federal funds have been provided to states where tax-exempt, Indian-owned lands create financial burdens in supporting the public education of Indians. The Johnson-

O'Malley Act, combined with the Impacted Aid Laws 874 and 815, have been the chief sources of federal funds to public schools. Many states now have special contracts with the BIA where the BIA provides assistance, but the educational responsibilities lie completely with the state.

The trend is, therefore, toward state and local control of Indian education. This trend is enhanced with some form of Revenue Sharing appearing imminent and with the Bureau of Indian Affairs being reorganized.

The United States Office of Education under HEW is also undergoing radical changes. These conditions create an urgency for establishing a workable system to meet the needs of the Indians.

ISSUES

REAL INDIAN EDUCATION

A case can be made, and is being made, that Indians have a historical right and a legal right to control their own tribal schools or to have significant input in schools with large Indian student enrollments. The case also contends that the federal government is legally responsible to construct and to pay the salary and expenses of operating these schools.

Assume that the federal government capitulated to the case for Indian autonomy and agreed to fund these schools fully: would this be a panacea resolving the ills or even most of the problems concerning Indian education?

It would not solve the educational problems that exist for Indian children who are going to schools off the reservation -- more than 68% of all Indian children.

It is inconceivable that the government would build and support adequate higher educational facilities exclusively for Indians. In the absence of separate higher educational institutions, the traumatic social and psychological adjustment of an Indian

youngster going to a heterogenetic college, often spending his entire educational career in a segregated school, has to be a serious factor.

The final serious considerations necessary for Indians with reference to demanding separate schools for their children are the retrogressive aspects.

Norman Cousins said, even after he had graduated from college, he was still only half educated. His point was that even in our most sophisticated schools and universities, the curriculum is from a Western point of view. Most Americans know very little of Eastern philosophy, history, culture or religion. His thesis was that to be truly educated, we must be less parochial -- less nationalistic -- less chauvinistic. The question here is now does Cousins' international concept relate to separate, homogeneous parochial schools?

I also remember the elation that libertarians felt when the United States Supreme Court ruled in favor of Brown versus Topeka School Board in the famous decision of 1954. Chief Justice Warren, writing his rationale for the majority, said: "separate facilities are inherently unequal." The constitutional duty of a state to provide equal educational

opportunities have been afforded, the totality of the educational experience must be considered, and this experience encompasses more than the brick and mortar of the institution attended and other tangible factors.

The above references to Cousins and Warren are not to argue the legality of segregated versus integrated schools, but to project the moral issue on the question of being educated to live in the 21st century.

Recommendations and analysis on the issue of separate schools:

1. Indians do have a legal position,based on treaties, that obligates the federal government to financially support Indian-controlled schools.

2. There is ample evidence that the present conditions are abominable in meeting the educational needs of the Native American.

3. Having separate Indian-controlled schools will not meet the needs of a majority of the Indian children.

4. Having separate Indian-controlled schools may, in fact, do a disservice to those Indian children that attend these schools.

5. Using the legal and moral obligation of the U.S. Government to support Indian education as an unique bicultural phenomenon, a design needs to be formulated that accommodates all Indian tribes and all Indian individuals.

6. The design needs to be such that 'self-determination' can be a reality, one in which Indians can retain all of their culture without self-incriminations and at the same time develop those necessary skills that will enable them to function harmoniously and prosperously with and within the dominant society.

7. The design needs to be Indian conceived -- Indian managed -- and generously funded by the United State Government.

8. The boarding schools of the Bureau of Indian Affairs have not been successful. They too were segregated schools.

9. There is a need for integrated schools opposed to separate schools. The design should complement the existing structures of the public schools of America.

10. The attitude of many local and state educational agencies indicates that the federal government must remain in the design.

11. The logical place for this configuration should be the U.S. Office of Education in the Department of Health, Education, and Welfare.

VARIATIONS ON THE THEME OF RESPONSIBILITY

Our federal system provides for state and local government with certain functional responsibilities.

Where federal functions seem to be duplicated, the operation and management of the function has, in general, shifted to the state or local jurisdictions with grant-in-aid assistance coming from the federal level. This assistance has often had considerable impact on policy and operation at the state and local level. The Indian, because of non-taxable land, treaties, contract schools, etc., has added additional complexities to jurisdictional responsibilities that vary in each state.

Consequently, any discussion on the merits or demerits of the major federal aid programs to assist public schools in accommodating the needs of Indian children must be assessed in each state and often in each local area of each state.

As mentioned earlier in this paper, a vast majority of Indian children in school on federal reservations used to be educated either by mission schools or federal schools. However, the

mission and other private schools now have about 6% and federal schools about 26% of the total Indian children in school in states with federally recognized Indians. The remaining 68% are in public schools.

Of course, all Indian children not members of tribes recognized by the BIA are educated in either public or private schools. The federal policy has been to transfer BIA schools to local and state jurisdiction when all parties concerned were in agreement.

A financial problem faces a public school with an appreciable number of Indian children living on non-taxable land, if the school district obtains part of its revenue from a real estate tax. Relief in such instances should come from the Department of Health, Education, and Welfare (P.L. 874 funds). However, under the provisions of the Johnson-O'Malley Act, the BIA can reimburse states and school districts to make up for this tax loss if it determined that P.L. 874 (64 Stat. 1100) and other federal, state, and local resources cannot compensate a school district for this loss. Johnson-O'Malley funds are primarily used to provide compensatory education for disadvantaged Indian children. In fiscal year 1970, over $16 million in such funds were disbursed to the states.

Suffice it to say that these well intentioned programs have not been effective if one considers the present status of the product -- the Indian child. The reasons are glaring and warrant a change -- an entire new approach.

SUMMARY

Any attempt at increasing the services of HEW to the Native American must first consider a mechanism that will allow for a national consistency and a national policy, with built-in flexibility to meet tribal and geographical differences.

The basic structure should give states the responsibility of conducting programs that meet the Indians' needs considering the tribal uniqueness. To assure that the states are accountable, policy must be formulated that transcends jurisdictional pettiness. This must emanate from HEW in Washington, D.C., with the monitoring and evaluation aspects conducted by the USOE Regional Offices, and with the pragmatic clout of adequate federal funds and accompanying authority to redelegate to Indian education leaders. Needles to say, the policy and the monitoring of the local and states' accountability must be controlled by Indian people with the authority to do it.

CONCLUSION

In closing, I would like to quote Thomas Jefferson:

> "Laws and institutions must go hand in hand with the progress of the human mind. As that becomes more developed, more enlightened, as new discoveries are made, new truths disclosed and manner and opinions change with the change of circumstances, institutions must advance also, and keep pace with the times."

The educational system of the United States of America is in a revolutionary period. There is no better time than now for the Indians to insist on an entirely new relationship, vis-a-vis education, with the state and federal government.

The revolution has affected all of America's institutions. There is increasing recognition that the federal system is also changing. States are no longer as independent as they used to be. States' rights have now become "rights of first refusal." If a state has not served all of its citizens fairly, the federal government should step in.

An educational design needs to be adopted now that allows an Indian child to remain Indian and still be biculturally educated for the economic and social existence that he determines. The design must accomodate all Indians, reservation and non-reservation.

It must be done in cooperation with the public schools--integrated and equal, but sensitive to the pluralistic, culturally diverse students.

The design must be federal, consistent in every state, adequately funded, and Indian conceived and controlled.

Simultaneous with the revolutionary design, there must be a drastic increase in the economic base for the average Indian.

The Coleman report dramatically points out that education cannot make radical societal changes unless there is a viable economic base.

To make the educational process relevant, a crash emergency employment program with Indians on the job front needs to be launched at the same time.

A basic bill of rights for Indians in the late President Johnson's speech titled, "The Forgotten Americans," March 6, 1968, sums up the concluding points of this paper:

> "The program I propose seeks to promote Indian development by improving health and education, encouraging long-term economic growth, and strengthening community institutions."

"Underlying this program is the assumption that the Federal government can best be a responsible partner in Indian progress by treating the Indian himself as a full citizen, responsible for the pace and direction of his development.

But there can be no question that the government and the people of the United States have a responsibility to the Indians.

In our efforts to meet that responsibility, we must pledge to respect fully the dignity and the uniqueness of the Indian citizen.

That means partnership--not paternalism.

We must affirm the right of the first Americans to remain Indians while exercising their rights as Americans.

We must affirm their right to freedom of choice and self-determination.

We must seek new ways to provide Federal assistance to Indians--with new emphasis on Indian self-help

and with respect for Indian culture.

And we must assure the Indian people that it is our desire and intention that the special relationship between the Indian and his government grow and flourish.

For, the first among us must not be last.

I urge the Congress to affirm this policy and to enact this program."

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To implement the bill of rights for education:

1. Appoint an Indian Deputy Commissioner for HEW--Indian Education -- vested with authority.

2. Develop the policy.

3. Appropriate money -- release the money -- and get on with it.